UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>18 April 2011</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-6,10 and 12-166</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-6, 10 and 12-16</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

FINAL ACTION

1.   This action is in response to amendment filed on 4/18/2011. Claim 7 is cancelled.

Claims 1-6, 10 and 12-16 are pending.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
conditions and requirements of this title.

Claim 16 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. Currently, claim 16 are drawn to a "computer

product". The office considers a computer product to be non-statutory subject matter if

the computer product is not coupled to hardware (e.g., storage medium or computer).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-6, 10, and 12-16 rejected under 35 U.S.C. 103(a) as being

unpatentable over Bouthors et al. (US Patent Publication No. 2003/0135737 and

Bouthors hereinafter (cited from IDS)) in view of Dorricotts (US Patent Publication No.

2003/0163540).

3.   As to claims 1, 10 and 16, Bouthors teaches a method of applying a sender-

specific mail policy, the method comprising: maintaining a list of computer system users

and respective sender-specific mail policies associated with each of said computer

system users (i.e., ...teaches a list of user [203, fig. 2] ,,,teaches sender specific policies

[abstract, lines 1-5]), each of said sender-specific mail policies indicating at least one of

how and whether a mail user message (i.e., ...teaches that the sender specific policy

determines how to handle the message [abstract lines 1-5]), received from one of said

computer system users, is to be further transmitted across a network [par. 38]);

receiving a mail message intended for further transmission across the said network (i.e.,

..teaches receiving a message to forward through the network [par. 38]), the said mail

message indicating a sender thereof; determining whether said mail message contains

a digital signature; attempting to verify the said digital signature in said mail message

(i.e., ...teaches If the message received in step 201 includes a signature, the method

passes to a step 206 of signature verification [par. 42]);

 Application/Control Number: 10/568,451 Page 4 Art Unit: 2431 after said digital

signature is verified, said mail message is determined to does contain a verified digital

signature (i.e., ...teaches If the message received in step 201 includes a signature, the

method passes to a step 206 of signature verification [par. 42 & 43]), and if after a user

corresponding to the said verified digital signature is determined to correspond to said

sender indicated in the said mail message (i.e., ...teaches Identifying the sender is

simply a matter of reading the sender's Internet address in the message received in

step 201. Once this information has been obtained, the method proceeds to step 203,

verification of the black list [par. 39]); applying to said mail message at least one of said

an associated sender-specific mail policies associated with said user (i.e., ...teaches In

step 211, the operator scans provider memory 117, and specifically line 117a, to find

the identifier determined in step 202. With this, it can find a first list of rules 117b to

apply to the message received in step 201 [par.48]); and after said mail message is not

determined to contain digital signature (i.e., ...teaches The operator is able to determine

whether a message includes a signature and/or a certificate [par. 47]), or is not

determined to contain said verified digital signature corresponding to the said sender

indicated in the said mail message (i.e., ...teaches if the signature is not valid, the

method proceeds to step 215 [par. 43]), Bouthors teaches a method where if a digital

signature is not correctly verified then control logic exists to further process the

message. See Bouthor paragraph 40. Bouthors does not expressly teach applicant's

claim limitation element of applying a default mail policy to said mail message, wherein:

said default mail policy indicates at least one of how and whether a sent message,

received from a sender omitted from said list of computer system users, is to be further

transmitted across said network. However the Examiner contends that prior to

applicant's original filing, that Dorricott disclosed message filtering techniques that

provided the ability to apply an email filter (i.e., default email policy) to a email such that

the contents of the messages are examined. The email filter will examine the content of

the message for keywords. The keywords will be used determine the compliancy of the

message. See Dorricott paragraph 3. The Examiner notes that the applicant describes

in paragraph 38 of their specification that a default email policy is a policy that looks for

keywords in the message to render the compliance of the message. Therefore given

Bouthors ability to apply email policies, a person with ordinary skill in the art would have

recognized the advantage of modifying Bouthors to enhance email filtering with

Dorricott's ability to further filter a email based on compliance criteria. With regards to

applicant's claim limitation element of said default mail policy is more restrictive than

each of said sender-specific mail policies, the Examiner contends that Dorricott filter

rules are more restrictive than the email policies disclosed by Bouthors. See Dorricott

paragraph 3. The filter rules examine the content of the message. The Examiner notes

that the applicant discloses that a more restrictive policy is one that examines the

message content for certain ctriteria. See applicant's paragraph 38. Therefore given

Bouthors ability to apply email policies, a person with ordinary skill in the art would have

recognized the advantage of modifying Bouthors to enhance policy restriction capability

with Dorricott's ability to further filter a email based on compliance criteria.

4.   As to claims 2 and 12, Bouthors a method where the step of applying at least one

of said sender-specific mail policies comprises determining whether said mail message

complies with said policy at least one of said sender-specific mail policies (i.e.,

...teaches a sender specific policy [abstract, lines 1-5]...further teaches applying the

applicable policy [211, fig. 2]); after determining said mail message does comply with

said policy at least one of said sender-specific mail policies [212,213, fig. 2], allowing

transmission of said mail message [213, fig. 2]; and after not determining said mail

message complies with said policy at least one of said sender-specific mail policies

[212, fig. 2], applying appropriate measures to said mail message [215, fig. 2].

5.   As to claims 3 and 13, Bouthors teaches a method where if a digital signature is

not correctly verified then control logic exists to further process the message. See

Bouthor paragraph 40. Bouthors does not expressly teach applicant's claim limitation

element of method where the step of applying said default mail policy to said mail

message comprises determining whether said mail message complies with said default

mail policy; The Examiner notes that the applicant describes in paragraph 38 of their

specification that a default email policy is a policy that looks for keywords in the

message to render the compliance of the message. In this regard Dorricott teaches

applying a filter (e.g., policy/rule) that examines the content of the message for

keywords to determine message compliancy. Combining the two teachings would

render Bouthor capable of applying a rule to a message in which the rule requires

examining the content of the message for keywords to determine compliancy. Therefore

given Bouthors ability to apply email policies, a person with ordinary skill in the art would

have recognized the advantage of modifying Bouthors to enhance policy restriction

capability with Dorricott's ability to further filter an email based on compliance criteria.

With regards to applicant's claim limitation element of after determining said mail

message does comply with said default mail policy, allowing transmission of said mail

message; and after not determining said mail message comply complies with said

default mail policy, applying appropriate measures to said mail message. The Examiner

contends that Dorricott discloses that upon compliance the message is sent, however if

the message is non-compliant than the message is discarded. See paragraph 3 of

Dorricott. Therefore given Bouthors ability to apply email policies, a person with ordinary

skill in the art would have recognized the advantage of modifying Bouthors to enhance

policy restriction capability with Dorricott's ability to further filter an email based on

compliance criteria.

6.   As to claims 4 and 14, Bouthors teaches applying applicable policy to message

however Bouthors does not teach a method where said default mail policy is triggered

by more criteria than each of said sender-specific mail policy policies. Again as

indicated above the applicant has disclosed that the default policy merely examines the

Application/Control Number: 10/568,451 Page 8 Art Unit: 2431 message for keywords

to determine compliancy. The Examiner contends that Dorricott discloses message

filtering techniques that allow for a more restrictive policy approach. The technique

examines the message content and determines message compliance based on

keywords. Therefore given Bouthors ability to apply email policies, a person with

ordinary skill in the art would have recognized the advantage of modifying Bouthors to

enhance policy restriction capability with Dorricott's ability to further filter an email based

on compliance criteria.

7.   As to claims 5 and 15, Bouthors teaches applying applicable policy to message

however Bouthors does not teach a method where the step of applying said default mail

policy to said mail message comprises rejecting said mail message. The Examiner

contends that Dorricott discloses that upon compliance the message is sent, however if

the message is non-compliant than the message is discarded. See paragraph 3 of

Dorricott. Therefore given Bouthors ability to apply email policies to a email, a person

with ordinary skill in the art would have recognized the advantage of modifying Bouthors

to enhance policy restriction capability with Dorricott's ability to further filter a email

based on compliance criteria.

8.   As to claim 6, Bouthors discloses a method comprising receiving the mail

message in a boundary agent (e.g., server), the mail message being intended for further

transmission over an external computer network (i.e., ...teaches One zone 115c

 Application/Control Number: 10/568,451 Page 9 Art Unit: 2431 enables server 104 to

determine and apply the rules applicable to the messages received by server 104 [par.

29]).

9.   7. (Canceled)

10.   8. (Canceled)

11.   9. (Canceled)

12.   11. (Canceled)

Response to Arguments

Examiner Remarks – 35 U.S.C. 101 – Claims 7 and 16

The Examiner withdraws the rejection made under 35 U.S.C. 101 for claim 7 in view of claim cancellation. The Examiner maintains the previous rejection made under 35 U.S.C. 101 for claim 11. The Examiner notes that the MPEP specifically states that a computer program without the computer readable medium needed to realize the computer program's functionality is nonstatutory. See MPEP 2106.1 'Computer Related Nontstatutory Subject Matter".

Examiner Remarks – 35 U.S.C. 103(a) – Claims 1, 10 and 16

Applicant argues:

"….Bouthers does not apply any default mail policy, let alone the one recited by Applicant's independent claims. To the contrary, Bouthers simply interrupts the transmission of the message and terminates all further processing of the message. Therefore, the Examiner's statement, on page 4 of the Office Action, that "Bouthers teaches a method where if a digital signature is not correctly verified then control logic exists to further process the message" is false. Rather than further process the message, Bouthers stops processing the message if a digital signature is not correctly verified. Despite falsely alleging that Bouthers' suggests "control logic" that is used for "further processing a message" "if a digital signature is not correctly verified" (Office Action, page 4) the Examiner

acknowledges that "Bouthers does not expressly teach applicant's claim

limitation element of applying [Applicant's claimed] default mail policy" (Office

Action, pages 4-5). To fill this void, the Examiner refers to paragraph [0003] of

Dorricott, and asserts that "Dorricott disclosed message filtering techniques that

provided the ability to apply an email filter (i.e., default email policy) to an email

such that the contents of the messages are examined." Office Action, page 5.

The (allegedly) relevant part of paragraph [0003] of Dorricott reads, "Filters are

known to check e-mails for spam using several techniques including conventional

filters, compliance checking and traffic anomaly detection. For example, filters

include software that looks for key words (e.g. XXX, sex, etc.). When a keyword

is found the e-mail message is rejected." As such, paragraph [0003] of Dorricott

is merely summarizing message filtering by keywords. Nowhere does Dorricott

suggest anything akin to Applicant's claimed "a default email policy" that is

applied to outgoing messages"

The Examiner notes that applicant's claims do not explicitly recite ""a default email

policy" that is applied to outgoing messages", as explicitly argued by the applicant.

Specifically the Examiner notes that there is not explicit recital of "outgoing message".

The Examiner contends that applicant's system receives a message and than applies a

policy to the received message.

With regards to applicant's remarks pertaining to Bouthers, the Examiner notes that

Bouther discloses a system for identifying if a signature is contained within a transmitted

message. See Bouther's paragraph 42. The Examiner respectfully submits that in office

action mailed on 12/17/2010, the Examiner noted that while Bouther's disclosed the

concept of applying policy related data to transmitted messages, Bouther's teachings

did not expressly recite "a default email policy" as defined by the applicant's

specification paragraph 38. The Examiner notes that applicant's specification paragraph

38 disclosed that applicant's claimed "default email policy" is defined in the context of

searching a message for a "keyword". In view of applicant's paragraph 38 teachings, the

Examiner modified the teachings of Bouther with those of Dorricott. The Examiner

respectfully contends that Dorricott disclosed examining email message for keywords.

See Dorricott paragraph 3.

With regards to applicant's remark of "...Moreover, nowhere does Dorricott suggest a

default email policy that is "more restrictive than each of the sender-specific mail

policies" applied to outgoing messages, as recited by Applicant's independent Claims 1,

10 and 16", the Examiner contends that commonly known in the art, a simple email

policy applied to transmitted messages would be one based on a sender/receiver

identifier (e.g., address) where the sender/receiver address is used to perform routing or

screening type processes relative to the message. Additionally the Examiner notes that

this basic email policy usually examines the header information of the email packet. The

Examiner notes that any type of email policy that actually examines the contents of a

message for "keywords" would be construed by those skilled in the art to be more
restrictive or advanced. Accordingly the Examiner notes that the Bouther's teachings
affords the ability to examine address related information for the purpose of routing the
messages and subsequently modifying the teachings of Bouther with Dorricott affords
the ability to more restrictively process message packet by examining for keywords.

Applicant argues:

> "In summary, Bouthers and Dorricott, taken alone or in any proper combination,
> fail to show or otherwise suggest among other things, Applicant's claimed
> applying of a default mail policy to an outgoing mail message after the outgoing
> message is not determined to contain any digital signature or is not determined
> to contain a verified digital signature corresponding to the sender indicated in the
> outgoing mail message."

Again the Examiner notes that applicant's claims do not explicitly recite ""a default email
policy" that is applied to outgoing messages", as explicitly argued by the applicant.
Specifically the Examiner notes that there is not explicit recital of "outgoing message".
The Examiner contends that applicant's system receives a message and than
determines if the message contains a signature.

Applicant argues:

'Moreover, both Bouthers and Dorricott, taken alone or in any proper

combination, fail to suggest Applicant's claimed default email policy (i.e., that

indicates at least one of how and whether a mail message, received from a

sender omitted from a list of users, is to be further transmitted and that is also

more restrictive than each of said sender-specific mail policies).

The Examiner contends in response to the above applicant's argument that the features

upon which applicant relies of (i.e.,, that indicates at least one of how and whether a

mail message, received from a sender omitted from a list of users, is to be further

transmitted and that is also more restrictive than each of said sender-specific mail

policies)) for alleging deficiency on the part of the cited prior art of Bouthers in view of

Dorricott are not recited in the rejected claim(s). Additionally the Examiner notes

specifically that Dorricott discloses examining email message for keywords. See

Dorricott paragraph 3.

Examiner Remarks – 35 U.S.C. 103(a) – Claims 2-9 and 12-15

The Examiner notes that applicant's remarks pertaining to independent claims 1, 10 and 16 are not persuasive, and therefore dependent claims 2-9 and 12-15 stand rejected under 35 U.S.C. 103(a), Bouthers in view of Dorricott.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYAN WRIGHT whose telephone number is (571)270-3826. The examiner can normally be reached on 8:30 am - 5:30 pm Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Flynn Nathan can be reached on (571) 272-1915. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRYAN WRIGHT/
Examiner, Art Unit 2431

/NATHAN FLYNN/

Supervisory Patent Examiner, Art Unit 2431